

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

DONALD "D.A." JONES;  
KENNETH SMUKLER,

Defendants.

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Criminal Case No. 2:17-cr-00563-JD

**DEFENDANT KENNETH SMUKLER'S MOTION TO  
DISMISS THE INDICTMENT FOR VINDICTIVE PROSECUTION**

Defendant Kenneth Smukler hereby moves this Court to dismiss the Indictment for vindictive prosecution. The grounds for this motion are set forth in the accompanying memorandum of law.

Dated: February 2, 2018

Respectfully submitted,

/s/ Brian J. McMonagle

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 2, 2018, the foregoing was filed with the Court's  
CM/ECF Service.

/s/ Steven N. Herman

Steven N. Herman